

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1518.00
COMPLAINT INVESTIGATOR:	Roger Hubbard
DATE OF COMPLAINT:	January 26, 2000
DATE OF REPORT:	February 21, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 3, 2000

COMPLAINT ISSUES:

Whether the Monroe Central School Corporation and the Greater Randolph Interlocal Cooperative violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide speech therapy services; and
- 511 IAC 7-12-1(k)(4) with regard to the school's alleged failure to identify the length and frequency of speech therapy services for the 1999-2000 school year, specifically, identifying the frequency of services as a "range" of 40-60 minutes per week without identifying any evaluative criteria for determining the number of minutes of service the student will actually receive.

During the course of the investigation, additional issues were identified as follows:

With respect to the students (the Students) receiving speech-language services at Monroe Central Elementary School and Monroe Central Jr.-Sr. High School, whether the Monroe Central School Corporation and the Greater Randolph Interlocal Cooperative violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the students' IEPs as written, specifically failing to provide speech therapy as indicated; and
- 511 IAC 7-12-1(k)(4) with regard to the school's alleged failure to indicate the length, frequency, and type of service to be provided for students receiving speech therapy at the local schools.

FINDINGS OF FACT:

1. The student (Student) is in the fifth grade and is eligible for special education and related services as a student with a communication disorder.
2. The CCC report/IEP dated May 14, 1999, states that the Student will receive speech/language/fluency therapy for 40-60 minutes per week.
3. The school records indicate that no speech therapy services were provided to the student on: October 26, 1999, due to a school-sponsored convocation; November 9, 1999, due to the Student's

absence; November 11, 1999, due to ½ day teacher in-service; November 25, 1999, due to a school holiday and December 9, 1999, due to completing a classroom test.

4. The special education coordinator and the school principal mailed a letter, dated September 13, 1999, to the parents of the Students receiving speech-language services informing them that speech services would be postponed. The speech therapist was accepting a new position within the school corporation as case conference coordinator. Arrangements had been made for the graduate student, under the supervision of a licensed speech pathologist, to meet only with students with the greatest need. A new speech-language pathologist was to be hired and begin meeting with all eligible students on November 29, 1999. Of eighty students that were to receive speech-language services beginning in September 1999, only forty-one of the students received services. A new speech pathologist was hired on November 29, 1999, and all eligible students are now receiving speech therapy services.
5. IEPs were reviewed for twelve of eighty students who were eligible for speech therapy in September 1999. Three of the twelve IEPs stated a "range" of minutes per week without identifying any evaluative criteria for determining the number of minutes of service the students would actually receive.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the Student did receive speech therapy as written in the IEP dated May 14, 1999. The days that the Student did not attend were due to non-instructional days, the student being absent and extra time needed to complete a classroom exam. Therefore, no violation of 511 IAC 7-12-1 is found.
2. Finding of Fact #2 indicates that the Student's IEP for the 1999-2000 school year requires speech therapy services be provided to the Student for 40-60 minutes each week. The IEP does not contain any evaluative criteria for determining whether the Student will receive speech therapy for 40 minutes, 60 minutes, or something in between in any given week. The amount of services is stated in such a manner that neither the parent nor the school personnel can clearly identify how many minutes of speech therapy the Student will actually be receiving each week. Stating the amount of services as a "range" is permissible only when necessary to meet the unique needs of the student. When a range is used, the IEP must also specify the criteria for determining the amount of services that will actually be provided to the student. Therefore, a violation of 511 IAC 7-12-1(k)(4) is found with respect to the amount of speech therapy the Student is to receive.
3. Finding of Fact #4 indicates that thirty-nine of the Students who were eligible for speech-language therapy at the beginning of the 1999-2000 school year, did not receive speech therapy as specified in their IEPs. Therefore, violations of 511 IAC 7-12-1 are found.
4. Finding of Fact #5 reflects that of the twelve IEPs that were reviewed, three indicated a "range" of minutes per week for speech therapy services. The three IEPs do not contain any evaluative criteria for determining the number of minutes of service the students would actually receive. Therefore, violations of 511 IAC 7-12-1(k)(4) are found.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Monroe Central School Corporation and the Greater Randolph Interlocal shall:

1. Provide in-service training to all special education staff and building administrators on the requirement of including information in the IEP on length, frequency, and type for all special education and related services. This training will take place by March 1, 2000, with copies of attendance rosters and participant handouts provided to the Division by March 8, 2000.
2. Notify the parents of all students who didn't receive speech therapy services as identified in the student's IEP of the number of speech therapy sessions missed. Reconvene the case conferences to determine the need for compensatory speech therapy services. The notice shall be in writing and sent to the parent prior to the CCC meeting. A summary of the CCC meetings held and the nature of compensatory services determined shall be submitted to the Division by March 8, 2000.
3. Identify all IEPs that have a "range" the amount of services to be provided to a student and reconvene the CCC's for those students to specify in each student's IEP the amount of services the Student will actually receive or identify the evaluative criteria that will be used to determine the actual amount of services that will be provided. An assurance statement that all affected IEP's have been revised shall be submitted to the Division no later than March 1, 2000.